

1 Jamie Lynn Gallian
2 16222 Monterey Ln #376
Huntington Beach, CA 92649
714-321-3449
3 jamiegallian@gmail.com
In Pro Per

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5 UNITED STATES BANKRUPTCY COURT
6
CENTRAL DISTRICT OF CALIFORNIA- SANTA ANA DIVISION

7 IN RE: JAMIE LYNN GALLIAN

8 Debtor

9 CASE NO. 8:21-bk-11710-ES

10
11 **NOTICE OF MOTION AND MOTION**
FOR LEAVE FROM THE
BANKRUPTCY APPEAL PANEL TO
PERMIT THE BANKRUPTCY COURT
TO CONSIDER DEBTOR'S MOTION
FOR RE-CONSIDERATION [DOC 157]
ON AUGUST 18, 2022

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16 TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY
17 JUDGE; TO THE HONORABLE BANKRUPTCY APPEAL PANEL; TO ALL PARTIES AND
THEIR ATTORNEY'S OF RECORD:

18
19 PLEASE TAKE NOTICE that on _____ at _____, in

20
21 Department _____ of the above entitled court, located 411 West Fourth Street Santa Ana, California,
92701, Movant, will and hereby moves this Court for leave from this Honorable Bankruptcy Appeal
22 Panel to allow the Bankruptcy Court, Honorable Erithe A. Smith, to consider Movant Motion for
23 Reconsideration DOC 157, [Exhibit A] currently scheduled on the Courts calendar August 18,
24 2022. DOC 159.

MEMORANDUM OF POINTS AD AUTHORITIES

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INTRODUCTION

DEBTOR'S leave should be granted on the grounds that the debtor diligently and timely gathering funds to submit to the Clerk to pay for and file the Amended Notice of Appeal on July 28, 2022, without delay. Debtor prepared a Motion for Reconsideration of the Bankruptcy Courts Ruling July 21, 2022, immediately seeking a date for reconsideration set on the Courts calendar August 18, 2022.

I. **STATEMENT OF FACTS**

On July 9, 2021 ("Petition Date"), the Debtor filed a voluntary petition under
1 Chapter 7 of the Bankruptcy Code, including her bankruptcy schedules ("Schedules").
2 Jeffrey I. Golden was appointed the Chapter 7 trustee. Since filing her July 9, 2021,
3 original Schedules, the Debtor, representing herself IN PRO PER filed March 11, 2022,
4 Final Amended Schedules. ("Final Amended Schedules")

On the Petition Date July 9, 2021, the registered title owner of the manufactured
home located at 16222 Monterey Lane, Space #376, Huntington Beach, California 92649
("Property"), was JAMIE LYNN GALLIAN perfected 2/25/2021, Certificate of Title, State of
California Department of Housing and Community Development. Previous to COTA
perfection of 2/25/2021, Debtor disclosed the 2014 Manufactured Home was registered with
Housing and Community Development ("HCD") to J-Sandcastle Co, LLC. of which debtor is
the sole Member. Debtor also disclosed the property is secured by a perfected Certificate of
Title, Legal Owner Ronald Pierpont, J-Pad, LLC, the holder of a perfected Manufacture
Home Transaction filed with the CA Secretary of State, filing date
01/14/2019, 09:10am, Filing Number 19-7691916827, Document No. 76027940003.

The Debtor amended Schedule C, filed prior to conclusion of the Trustee 341
meeting, claimed a homestead exemption, Schedule C, in the Property in the amount of
\$600,000. On May 12, 2022, Interested Party, Houser Bros. Co., dba Rancho Del Rey
Mobile Home Estates, filed its Motion Objecting to Debtor's Claimed Homestead Exemption
(Dkt. 95, "Motion"). The hearing on the Motion was held on June 2, 2022 and
continued to July 21, 2022. At the continued hearing, the Debtor informed the Court Debtor
had a homestead exemption on file with the County of Orange Tax Assessor, reflected on
the 2021-2022 Tax Assessors Roll. Debtor informed the Court, the information on the
"Internet" is not accurate with the Assessor only updating the information once per year.
The "internet" docs provided by Houser Bros attorney is not the Assessors Current Tax Roll
information. Debtor informed the Court, Debtors
Homeowners Exemption Application is not subject to public inspection. Prior to the Chapter
7 petition, debtor filed and recorded a Declared Homestead Clerk Recorder County of
Orange #.2021000443659 Debtor lodged a "Real Time Screen Capture" provided to the
Court from the Exemption Department at the Orange County Tax Assessors Office on July
21, 2022.

1 Debtor timely filed a Notice of Appeal and an Amended Notice of Appeal on July 28, 2022.

2 Subsequent to the Notice of Appeal, Debtor filed a Motion for Reconsideration of the

3 Courts 7/21/2022 Ruling. The Motion for Reconsideration is scheduled to be heard 8/18/22.

4

5 Debtor respectfully requests this Honorable Court to impose a STAY pending the
6 Motion for Reconsideration of the Courts Ruling of 7/21/2022, and overrule Interested Party,
7 Houser Bros Co dba Rancho Del Rey Mobile Home Estates objection to debtors homestead
8 exemption in light of the Orange County Assessor's Certified Letter from the Tax Assessor,
9 County of Orange, Claude Parrish, supporting the fact Debtor's Homestead Exemption has
10 been active in Orange County since 2/25/2021 stated on the face of the Tax Assessors
11 Certified Letter dated July 21, 2022. Exhibit A

12 WHEREFORE, Debtor prays that the Motion for an Order imposing a STAY against all
13 creditors and Trustee Jeffrey Golden, any and all actions, pending actions by the Trustee
14 Jeffrey Golden and/or any and all Creditors or Interest Parties without a Court Order from
15 this Court upon proper Motion AND Notice to Debtor and an opportunity to respond,
16 Debtors Motion for Reconsideration denying Debtors Homestead Exemption on 7/21/2022.
17 has been noticed and is currently set for hearing August 18, 2022, 10:30A in Department
18 5A of this Court.

19 Further Order of the Court that the Courts deems fair and just.

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22 I declare under penalty of perjury the foregoing to be true and correct.

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Signed this 28th Day of July 2022 at Huntington Beach, California, County of Orange.

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RESPECTFULLY SUBMITTED,

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JAMIE LYNN GALLIAN

LEGAL ARGUMENT

A. It is settled in California, that diligence, and timely Leave of Court is not prejudice to the other party upon a valid reason.

**B. THE POLICY OF GREAT LIBERALITY IN PERMITTING LEAVE OF COURT
TO ALLOW THE BANKRUPTCY COURT TO RULE ON DEBTORS MOTION FOR
RECONSIDERATION.**

California has a policy of great liberality in granting Leave of Court in the absence of prejudice to the adverse party.

The Bankruptcy Court should be given wide discretion in deciding whether to consider debtors Motion for Reconsideration unless a clear abuse of discretion is shown.

For all of the above reasons stated, debtor respectfully requests this Honorable Court GRANT debtor Leave from the jurisdiction of the Bankruptcy Appeal Panel to allow the Bankruptcy Court to consider Debtors Motion for Reconsideration on August 18, 2022.

I declare under the penalty of perjury all of the foregoing documents submitted to be true and correct.

Signed this 1sr day of August 2022 at Huntington Beach, California. County of Orange.

Jamie Lynn Gallian
JAMIE LYNN GALLIAN



CLAUDE PARRISH
COUNTY ASSESSOR
Telephone: (714) 834-3821
FAX: (714) 834-2565
www.ocassessor.gov

ESTABLISHED 1889

July 21, 2022

OFFICE OF THE ASSESSOR

891-569-62 HX

GALLIAN, JAMIE LYNN
16222 MONTEREY LN, SPC 376
HUNTINGTON BEACH, CA 92649

SUBJECT: Assessor Parcel Number: 891-569-62

Property Address: 16222 MONTEREY LN, UNIT 376, HUNTINGTON BEACH

The Homeowners' Exemption on the above property has been active in Orange County as of 02-25-2021

Claimant Name: GALLIAN, JAMIE LYNN

If you have any questions, please call our office at (714) 834-3821.

Sincerely,

CLAUDE PARRISH
County Assessor

By
Exemptions Division

I HEREBY CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF A PERMANENT
RECORD OF THE ASSESSOR'S OFFICE.
ORANGE COUNTY, CALIFORNIA

CLAUDE PARRISH
COUNTY ASSESSOR
By *Neil Dard*

2022 JUL 21 PM 2:22

CLAUDE PARRISH
ORANGE COUNTY ASSESSOR

**CLAIM FOR HOMEOWNERS' PROPERTY TAX EXEMPTION**

If eligible, sign and file this form with the Assessor on or before February 15 or on or before the 30th day following the date of notice of supplemental assessment, whichever comes first.

SEE INSTRUCTIONS BEFORE COMPLETING

NAME AND MAILING ADDRESS

(Make necessary corrections to the printed name and mailing address)

891-569-62

GALLIAN, JAMIE LYNN
16222 MONTEREY LN, SPC 376
HUNTINGTON BEACH, CA 92649

ORANGE COUNTY ASSESSOR
500 S. MAIN ST, FIRST FLOOR, SUITE 103
ORANGE, CA 92868-4512 or
P.O. BOX 628
SANTA ANA, CA 92702-0628
PHONE: (714) 834-3821
FAX: (714) 834-2565
www.ocgov.com/assessor

FOR ASSESSOR'S USE ONLY

Received _____
Approved _____
Denied _____
Reason for denial _____
M-2085154
NO
8/26/2021

PROPERTY DESCRIPTIONParcel No. 891-569-62

Address of dwelling

16222 MONTEREY LN, UNIT 376
HUNTINGTON BEACH

TR RANDRE BLK 376LOT UN

Print your social security number and name here →
 SSN: 550-49-3936
 NAME: Jamie L Gallian

Print co-owner's or spouse's social security number and name when
 this property is also his/her principal residence →
 SSN: _____
 NAME: _____

STATEMENTS

This claim may be used to file for the Homeowners' Exemption for the Assessment Roll and the Supplemental Assessment Roll. A new owner must file a claim even if the property is already receiving the homeowners' exemption. Please carefully read the information and instructions before answering the questions listed below.

- When did you acquire this property? 11-1-2018
(month/day/year)
- Date you occupied this property as your principal residence (see instructions): 11-1-2018
(month/day/year)
- Do you own another property that is, or was, your principal place of residence in California? YES NO
If YES, please provide the address below, and the date you MOVED OUT, if no longer your principal place of residence:

Address: 14476 Alderport Drive HB 92649 10/31/2018
 Street address _____ City _____ Zip Code _____
 month/day/year _____

Only the owners or their spouses who occupy the above-described property (including a purchaser under contract of sale) or his or her legal representative may sign this claim. (If the property comprises more than one dwelling unit, other co-owner occupants may wish to file separate claims; however, only one exemption will be allowed per dwelling unit.)

If you are buying this property under an unrecorded contract of sale and the Assessor does not have a copy of the contract, you must attach a copy to this claim.

CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information hereon, including any accompanying statements or documents, is true, correct, and complete to the best of my knowledge and belief.

SIGNATURE OF OWNER-OCCUPANT

DATE

SIGNATURE OF OCCUPANT'S SPOUSE OR CO-OWNER-OCCUPANT

DATE

EMAIL ADDRESS

DAYTIME TELEPHONE NUMBER

Jamiegallian@gmail.com (714) 321-3447

IF YOU DO NOT OCCUPY THIS PARCEL AS YOUR PRINCIPAL RESIDENCE, PLEASE DISCARD THIS FORM.
 If you occupy this parcel at a later date, contact the Assessor at that time.

THIS DOCUMENT IS NOT SUBJECT TO PUBLIC INSPECTION

Full Parcel Report: Page 1 of 1

As of January 1st, 2022

Parcel No: 891-569-62

Tax Rate Area: 04-902

Property Type: MOBILE HOME

Owner / Mailing Address

Assessee: GALLIAN, JAMIE LYNN

Address: 16222 MONTEREY LN, SPC, 376

City, State: HUNTINGTON BEACH, CA

Zip: 92649

Description

Assessed Value

Exemptions

Dates

Land: 0 Exe Type: HOMEOWNER

Land BaseYear: 2021

Improvement: 0

Improvement Base Year: 2021

Personal Property: 86,339

Tax Lien Status:

Other: 0

Gross: 86,339

Less Exemption: 7,000

Net: 79,339

Sale History

Reference Number: M2085154

Additional Information

Legal Description: T MHP RANDRE MSP 376

I HEREBY CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF A PERMANENT
RECORD OF THE ASSESSOR'S OFFICE.
ORANGE COUNTY, CALIFORNIA



CLAUDE PARRISH
COUNTY ASSESSOR

BY Nel P. Parrish

2022 JUL 21 PM 2:18

ORANGE COUNTY ASSESSOR
CLAUDE PARRISH

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
5801 SKYLAB ROAD
HUNTINGTON BEACH, CA 92647

A true and correct copy of the foregoing document entitled (*specify*): NOTICE OF MOTION AND MOTION FOR LEAVE I BANKRUPTCY APPEAL PANEL TO PERMIT THE BANKRUPTCY COURT TO CONSIDER DEBTOR'S MOTION FOR RECONSIDERATION DOC 157 ON AUGUST 18, 2022 DOC 159.

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 08/01/2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:



Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.



Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.



Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

08/01/2022 ROBERT MCLELLAND
Date Printed Name

Robert McLelland
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:**

- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Aaron E DE Leest adeleest@DanningGill.com, danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR and PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **TRUSTEE JEFFREY I GOLDEN (TR):** Jeffrey I Golden (TR) lwerner@wgllp.com, jig@trustesolutions.net; kadele@wgllp.com
- **ATTORNEY FOR PLAINTIFF HOUSER BROS. CO.: D** Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR and PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION:** Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Eric P Israel eisrael@DanningGill.com, danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- **ATTORNEY FOR PLAINTIFF HOUSER BROS. CO.: Laila Masud** lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR DEFENDANT RANDALL L NICKEL:** Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Smith claims@recoverycorp.com
- **U.S. TRUSTEE:** United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.